



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

31104

B-178529

June 22, 1973

Mr. Ralph C. Lange
American Embassy-GAO
New Delhi, India

Dear Mr. Lange:

Your letter of April 2, 1973, requests reconsideration of the action taken by our Transportation and Claims Division in a Settlement Certificate dated November 7, 1972, disallowing your claim for reimbursement of travel expenses from Frankfurt, Germany, to Beirut, Lebanon, incurred by your wife during the period March 24, 1972, to April 8, 1972, while visiting you in connection with your hospitalization in Beirut, Lebanon.

In March 1972 you were an employee of the United States General Accounting Office stationed in New Delhi, India, and your wife was temporarily living in Frankfurt, Germany, where she was attending college. You began having pains in your back and your local physician, after a short period of treatment, advised you to obtain a thorough diagnosis of your back condition at the American University Hospital in Beirut, Lebanon, where corrective surgery could be performed if indicated. You obtained Travel Order No. ID-EB-72-205, dated March 15, 1972, which authorized you to travel to Beirut, Lebanon, and return. These orders did not provide for a medical attendant to assist you on the trip inasmuch as you had stated that one was not required.

You entered the American University Hospital on March 16, 1972. An examination revealed you had a slipped disc and required corrective surgery, which was performed on March 24, 1972. Your wife arrived from Frankfurt, Germany, on this date and visited you daily during your recovery until you were discharged from the hospital on April 1, 1972, on an outpatient basis. She remained with you until April 8, 1972, when she returned to Frankfurt. Your outpatient treatment was continued until your return to New Delhi on April 20, 1972. Your travel expenses were subsequently reimbursed but your wife's were disallowed by the settlement cited above.

You first contend your wife's travel expenses should be allowed on the basis that she was a medical attendant under the provisions of subsection 686.2, Volume 3, Foreign Affairs Manual (FAM), which reads as follows:

72-0146

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686.2 Authorization for Travel of Attendants

The services of an attendant or attendants to accompany an employee or a dependent to a locality where suitable medical care can be obtained may be authorized by the principal or administrative officer (see section 681.4) when it is determined on the advice of competent medical authority that the patient is too ill to travel unattended or is too young to travel alone. When the Military Air Command (MAC) is utilized to evacuate a patient, adequate medical attention en route is normally provided by MAC. Some indication of the reason for evacuation should be given to the patient and, in every instance, the basic problem and possible reactions of the patient should be discussed with the attendant. When in the judgment of the principal or administrative officer the services of a nonemployee medical attendant are warranted, such services may be contracted for as indicated in section 686.2b.

We construe this regulation to authorize travel of medical attendants for the limited purpose of accompanying an employee, too ill to travel alone, being evacuated to a locality where suitable medical care can be obtained. We do not interpret the language of this regulation as providing authority for an attendant to travel so as to join an employee already evacuated to a suitable medical facility. Inasmuch as you did not require a medical attendant during your evacuation flight, we are of the opinion that this regulation does not provide authority for your wife's travel at a later time.

Alternatively, you contend your wife was performing visitation travel pursuant to 3 FAM 699.5 which provides in pertinent part:

699.5 Emergency Visitation Travel From Anywhere Abroad

699.5-1 Definitions

a. Emergency visitation travel by an employee or by an eligible dependent located abroad, either at post or away from post, is authorized in instances of serious illness, injury, or death of a member of an employee's immediate

family, or the immediate family of an eligible dependent, as defined in these regulations.

b. "Eligible dependent" for the purpose of this section is defined as the spouse or dependent child or children of the employee.

c. "Serious illness or injury" for the purpose of this section is defined as one in which death is imminent or likely to occur as based on competent medical opinion; or one in which the absence of the employee or eligible dependent would result in great personal hardship.

The above regulation defines serious illness as including inter alia an illness in which the absence of an eligible dependent would result in a great personal hardship for the employee. It is on the basis of great personal hardship that you claim entitlement for emergency visitation travel by your wife. In this connection you point out that your wife assisted greatly in your recovery and her visit was strongly sanctioned by your attending surgeon.

Since the Department of State promulgated the regulation in question and is primarily responsible for its interpretation, we informally discussed your case with an official of the medical staff of that Department, the office with approval authority for emergency visitation travel within the Department. He advised that your case does not satisfy the criteria of a great personal hardship and that a similarly situated Department of State employee or eligible dependent would not receive approval for emergency visitation travel.

In view of the above we are of the opinion that the facts of record fail to show that the absence of your wife would have resulted in a great personal hardship within the meaning of the cited regulation. Accordingly, the disallowance of your claim was proper and is hereby sustained.

Sincerely yours,

PAUL G. DEMBLING

For the Comptroller General
of the United States

Ycc: Director
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